IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

WEDNESDAY, THE 9TH AUGUST 2006 / 18TH SRAVANA 1928

Bail Appl..No. 4712 of 2006

CRMP.1992/2006 of DISTRICT COURT, KASARAGOD
CRIME NO.116/1999 OF BEKAL POLICE STATION

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PETITIONER/2ND ACCUSED

M.K.MUHAMMED KUNHI,S/O.KUNHALI,
R/AT KOOLIKUNNU, BARE VILLAGE,
HOSDURG TALUK, KASARAGOD DISTRICT.

BY ADV. SRI.T.SETHUMADHAVAN
SRI.PUSHPARAJAN KODOTH
SRI.K.JAYESH MOHANKUMAR

RESPONDENTS:

STATE OF KERALA,REPRESENTED BY THE
PUBLIC PROSECUTOR,HIGH COURT OF KERALA,
ERNAKULAM,(CRIME NO.116/1999 OF BEKAL POLICE
STATION).

BY PUBLIC PROSECUTOR P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 09/08/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A. 4712/2006

DATED THIS THE 9TH DAY OF AUGUST, 2006

O R D E R

The petitioner is the second accused, in crime No.116/1999 of Bekal Police Station, the offence alleged against him and others being under Sections 457 and 380 IPC read with Section 34 IPC. It is submitted by the learned counsel that the petitioner could not appear, as he was not aware of the facts and pendency of the matter, before the Court below. Therefore, he remained absconding. The proceedings against the other two accused, 1 and 3, had been initiated and they were acquitted. The second accused, the petitioner herein, was arrested on 17.1.2006 and he remains in judicial custody. Hence this application, under Section 439 Cr.P.C.

2. From 17.1.2006 till now, the petitioner is in judicial custody. The trial and disposal of the case against the accused 1 and 3 had already been completed. The period from 17.1.2006 till now, is sufficient for the

disposal of this matter. The order of the learned Sessions Judge, Kasargode, reveal that the trial had already been started.

3. In such situation, because of the fairly long period, which the petitioner had undergone judicial detention, I am inclined to grant bail and release the petitioner from jail, subject to the following conditions:-

> (a). The petitioner shall execute a bond for Rs.25,000/-, with two solvent sureties, each for the like sum, to the satisfaction of the Judicial Magistrate of First Class-II, Hosdurg, where the proceedings are pending as C.C.No.563/2003.
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> (b). The petitioner shall report before the Investigating Officer of Bekal Police Station, once in a week on every Saturday, between 10.00 a.m and 11.00 a.m., till the date of pronouncement of the judgment in C.C.No.563/2003 by the Court below,

starting from 12.8.2006.

(c). The petitioner shall not leave the Sessions Division of Kasargode, till the final trial and disposal of C.C.No.563/2003, pending before the Magistrate Court.

4. The petitioner shall appear on all the posting dates and the learned Magistrate shall give priority for the disposal of this case, posting it as far as possible on the near dates and disposing of the same at the earliest, in any case within two months from today.

The application is allowed as above.

J.M.JAMES
JUDGE

mrcs